

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**BOARD OF TRUSTEES OF THE OHIO  
LABORERS' FRINGE BENEFIT  
PROGRAMS,**

**Plaintiff,**

**V.**

**WAUGH EXCAVATING, LLC,**

**Defendant.**

**Case No. 16-CV-213**

**JUDGE ALGENON L. MARBLEY**

**Magistrate Judge Kemp**

## ORDER

Before the Court is the Magistrate Judge's Report and Recommendation in the above-styled matter (Doc. 7), which recommends the Court grant Plaintiff's Motion for Default Judgment against Defendant (Doc. 6).

The Report and Recommendation specifically advises the parties that the failure to object to the Report and Recommendation within fourteen days results in waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. (Doc. 7 at 6.) Defendant has not objected. The deadline for objections lapsed on June 6, 2016.

The Court hereby **ADOPTS** the Report and Recommendation based on the independent consideration of the analysis therein. Accordingly, it is hereby **ADJUDGED, ORDERED**, and **DECREED** that Defendant Waugh Excavating, LLC is in default of answer to the complaint in the above-styled matter. **JUDGMENT** is entered against Defendant amounting to \$21,920.40 representing fringe benefit contributions, liquidated damages, and interest, along with \$1,785.00 in attorneys' fees, \$400.00 in costs, and interest from the date of this judgment at the rate of 1% per month.

**IT IS SO ORDERED.**

s/Algenon L. Marbley  
**ALGENON L. MARBLEY**  
**UNITED STATES DISTRICT COURT**

**Dated: August 4, 2016**